



620 Eighth Avenue

New York, New York 10018-1405

(212) 218-5500

fax (212) 218-5526

www.seyfarth.com

Writer's direct phone

212-218-5575

Writer's e-mail

gglaser@seyfarth.com

Writer's direct fax

917-344-1195

March 18, 2010

VIA ECF

The Honorable Eric N. Vitaliano
United States District Judge
United States District Court for the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: Kanhoye v. Altana Inc., et al., 05-CV-4308 (ENV-WDW)

Dear Judge Vitaliano:

As Your Honor is aware, we represent Defendants in the above-referenced action. We write on behalf of all parties and with the consent of plaintiff's counsel, Anthony Ofodile, to respectfully request that the trial for the above-referenced matter be scheduled for the firm starting date of June 7, 2010. Given the imminence of the parties' deadline of tomorrow for serving their pre-trial papers, we inquired with Your Honor's chambers about having a telephone conference this afternoon to discuss this request but we understand from Your Honor's law clerk that Your Honor is unavailable. We were advised that it would be best to present our request by letter.

The parties attended a pre-trial conference on March 10, 2010 during which Your Honor indicated, and subsequently ordered, that the parties were on 48 hours notice for trial, that the trial target was during the weeks of April 12 and/or April 19 and that, if the trial could not proceed in April, then it would proceed beginning on June 7. Defendant Helen Corso is no longer employed by the Defendant company, Altana, Inc. (now known as Nycomed US, Inc.), and the undersigned had the opportunity to speak with her yesterday for the first time regarding the scheduling of the trial. During that conversation, the undersigned learned that Ms. Corso is unavailable on April 14 due to a prior commitment and that she is leaving to travel out of the country (on a pre-planned trip) beginning on April 16 and returning on April 24. As we are sure Your Honor appreciates, we would like to avoid requiring that Ms. Corso cancel her plans at the possible financial detriment to herself and the disappointment to her family. Further, upon informing the remaining Defendants of the proposed April schedule, the undersigned learned that all of the Defendants except Ms. Corso (and most of the proposed witnesses who still work at Nycomed US, Inc.) are scheduled to be in a





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company leadership meeting that is scheduled to span much of the day on April 13. Given these conflicts, the parties respectfully request that the Court order that the trial in this matter be set with the firm beginning date of June 7, 2010.

If Your Honor agrees that it is appropriate to have the trial begin in June, the parties would also request that the schedule for service and filing of their pre-trial submissions be amended to reflect the following:

- Parties shall serve their motions in limine, requests for charge and voir dire questions by April 19, 2010.
- Parties shall serve their opposition papers by April 26, 2010.
- Parties shall file their respective papers by April 26, 2010.

Thank you for Your Honor's courtesy in considering this request.

Respectfully submitted,

SEYFARTH SHAW LLP

s/ Gary Glaser

Gary Glaser

cc: Anthony C. Ofodile, Esq. (via ECF)
Christie Del Rey-Cone, Esq.